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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

2011-820

13 **LEANNE NADINE DeSILVA**
14 **aka LEANNE NADINE SWENSON**
2341 West Ridge Drive
Sutter, California 95982

A C C U S A T I O N

15 Registered Nurse License No. 495764
16 Public Health Nurse Certificate No. 57125
17 Nurse Practitioner Certificate No. 11867
Nurse Practitioner Furnishing Certificate No. 11867

18 Respondent.

19
20 Louise R. Bailey, MEd, RN ("Complainant") alleges:

21 **PARTIES**

22 1. Complainant brings this Accusation solely in her official capacity as the Executive
23 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

24 **Registered Nurse License No. 495764**

25 2. On or about August 31, 1993, the Board issued Registered Nurse License Number
26 495764 to Leanne Nadine DeSilva, also known as Leanne Nadine Swenson ("Respondent"). The
27 license was in full force and effect at all times relevant to the charges brought herein and will
28 expire on April 30, 2013, unless renewed.

1 **Public Health Nurse Certificate No. 57125**

2 3. On or about March 20, 1997, the Board issued Public Health Nurse Certificate
3 Number 57125 to Respondent. The certificate was in full force and effect at all times relevant to
4 the charges brought herein and will expire on April 30, 2013, unless renewed.

5 **Nurse Practitioner Certificate No. 11867**

6 4. On or about August 7, 2000, the Board issued Nurse Practitioner Certificate Number
7 11867 to Respondent. The certificate was in full force and effect at all times relevant to the
8 charges brought herein and will expire on April 30, 2013, unless renewed.

9 **Nurse Practitioner Furnishing Certificate No. 11867**

10 5. On or about July 16, 2001, the Board issued Nurse Practitioner Furnishing Certificate
11 Number 11867 to Respondent. The certificate was in full force and effect at all times relevant to
12 the charges brought herein and will expire on April 30, 2013, unless renewed.

13 **STATUTORY AND REGULATORY PROVISIONS**

14 6. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
15 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
16 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
17 Practice Act.

18 7. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
19 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
20 to render a decision imposing discipline on the license. Under Code section 2811(b), the Board
21 may renew an expired license at any time within eight years after the expiration.

22 8. Code section 2761 states:

23 The board may take disciplinary action against a certified or licensed nurse or
24 deny an application for a certificate or license for any of the following:

25 (a) Unprofessional conduct, which includes, but is not limited to, the
 following:

26 (1) Incompetence, or gross negligence in carrying out usual certified or
27 licensed nursing functions.

28 ///

1 9. California Code of Regulations, title 16, section 1442, states:

2 As used in Section 2761 of the code, 'gross negligence' includes an extreme
3 departure from the standard of care which, under similar circumstances, would
4 have ordinarily been exercised by a competent registered nurse. Such an extreme
5 departure means the repeated failure to provide nursing care as required or failure
6 to provide care or to exercise ordinary precaution in a single situation which the
7 nurse knew, or should have known, could have jeopardized the client's health or
8 life.

9 **COST RECOVERY**

10 10. Code section 125.3 provides, in pertinent part, that the Board may request the
11 administrative law judge to direct a licensee found to have committed a violation or violations of
12 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
13 enforcement of the case.

14 **BACKGROUND INFORMATION**

15 11. On or about July 19, 2002, while employed by Emergency Physician's Medical
16 Group and on assignment as a registered nurse in the Convenient Care Department at Methodist
17 Hospital, located in Sacramento, California, Respondent was caring for a 12-year old male who
18 was complaining of having the flu for the past two weeks and of having left hip pain. Respondent
19 took the patient's medical history, performed an examination, ordered laboratory and radiological
20 testing, and administered medication. Respondent diagnosed the patient as having a septic left
21 hip and hepatitis A. The patient was treated and discharged.

22 12. On or about July 24, 2002, the patient returned to the Emergency Department
23 complaining of left hip pain. The patient was found to have a septic left hip, requiring an incision
24 and drainage. The patient was hospitalized between July 24, 2002, and August 9, 2002. The
25 patient has permanent damage to his left hip.

26 **FIRST CAUSE FOR DISCIPLINE**

27 **(Gross Negligence)**

28 13. Respondent is subject to discipline under Code section 2761(a)(1), on the grounds of
unprofessional conduct, in that on or about July 19, 2002, while employed by Emergency
Physician's Medical Group and on assignment as a registered nurse in the Convenient Care

1 Department at Methodist Hospital, located in Sacramento, California, she was grossly negligent
2 in the following respects:

3 a. Respondent failed to perform a thorough examination of the patient's hip to
4 evaluate the degree of irritation to the hip joint, passive and active range of motion, and
5 circulation and sensation distal to the affected joint.

6 b. Respondent failed to consult with an orthopedic surgeon after diagnosing the
7 patient with a septic left hip.

8 c. Respondent failed to adequately document the content of the consultation with the
9 supervising physician regarding the patient's evaluation, diagnosis, and treatment plan.

10 d. Respondent failed to document any medication orders recommended by the
11 supervising physician.

12 e. Respondent failed to possess Standardized Procedures for Nurse Practitioners
13 signed by herself, the physician, or her employer (Emergency Physician's Medical Group).

14 f. Respondent failed to possess documentation of the List of Furnishing Nurse
15 Practitioners prescribing controlled substances.

16 g. Respondent failed to order a chest x-ray for the patient to rule out pneumonia as
17 the cause of the septicemia after diagnosing the patient with wheezing in the left lower lobe of his
18 lung.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Unprofessional Conduct)**

21 14. Respondent is subject to discipline under Code section 2761(a), on the grounds of
22 unprofessional conduct, in that on or about July 19, 2002, while employed by Emergency
23 Physician's Medical Group and on assignment as a registered nurse in the Convenient Care
24 Department at Methodist Hospital, located in Sacramento, California, Respondent demonstrated
25 unprofessional conduct, as more particularly set forth above in paragraph 13.

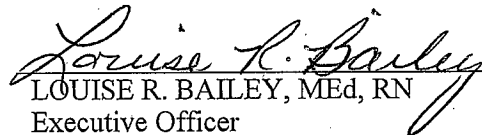
26 **PRAYER**

27 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
28 and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 495764, issued to Leanne Nadine DeSilva, also known as Leanne Nadine Swenson;
2. Revoking or suspending Public Health Nurse Certificate Number 57125, issued to Leanne Nadine DeSilva, also known as Leanne Nadine Swenson;
3. Revoking or suspending Nurse Practitioner License Certificate 11867, issued to Leanne Nadine DeSilva, also known as Leanne Nadine Swenson;
4. Revoking or suspending Nurse Practitioner Furnishing Certificate Number 11867, issued to Leanne Nadine DeSilva, also known as Leanne Nadine Swenson;
5. Ordering Leanne Nadine DeSilva, also known as Leanne Nadine Swenson, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
6. Taking such other and further action as deemed necessary and proper.

DATED: _____

4/5/11


LOUISE R. BAILEY, MEd, RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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